

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
THE HONORABLE PHILLIP S. FIGA  
901 19th Street, Chambers A638  
303-335-2174**

This is a summary of the procedures that I use in the trials of civil and criminal cases. Please familiarize yourself with these matters, and follow the attached checklist. These procedures supplement the Federal Rules of Criminal and Civil Procedures and Local Rules of the District.

When addressing the Court for any reason, parties should always stand at the lectern and speak into the microphone.

The Court is punctual. Counsel and parties should arrive 10-15 minutes before scheduled hearing times. Turn off all cell phones and pagers before entering the courtroom. If an attorney's tardiness delays the scheduled time of a proceeding or if an attorney's cell phone or pager goes off during proceedings, the Court is likely to give counsel the opportunity to perform needed public service through a *pro bono* assignment.

**Pre-Trial and General Procedures**

Generally, the magistrate judge assigned to the case will conduct the Rule 16 scheduling conference and set status, settlement and pre-trial conference dates. Upon completion of the final pre-trial conference, counsel should come to my Chambers to obtain final trial preparation conference and trial dates. Scheduling should be planned with the assumption that all cases will go to trial within one year of filing, absent extraordinary circumstances. Counsel should expect to be given a firm trial date within 60 to 120 days from the final pre-trial conference.

There are no page limits to motions and briefs (unless specifically ordered by the Court). However, brevity is the soul of wit and often the key to successful persuasion.

When requesting a change in hearing dates, parties should endeavor to file unopposed, stipulated or joint motions. Please include **proposed** dates that have been cleared on all counsel's calendars for the Court to consider. There is no guarantee that the Court will use these proposed dates. All motions should be accompanied by a proposed Order sent to my Chambers e-mail and filed in Word Perfect (.wpd) or in a format in accordance with the District of Colorado ECF Procedure V.L (instructions on submission of a proposed order). Do not hesitate to contact the ECF Help Desk at 303-335-2050 with any questions.

Any motion or brief which a party wishes the Court to consider is to be filed at least 72 hours in advance of a hearing.

### Trial/Hearing Procedures

There is one lectern in the courtroom from which attorneys will address the Court, witnesses and the jury. Counsel tables are arranged perpendicular to the Bench.

- a) Plaintiffs are seated at the table closest to the jury box (on the left, as you face the Bench).
- b) Defendants are seated at the table farthest from the jury box.
- c) Counsel and represented parties are seated at the front tables, closest to the Bench.
- d) Support staff should be seated at the tables directly behind counsel.

No soda, coffee or food is allowed in the courtroom. Water bottles are permitted, and water and cups are provided.

The administration of an oath or affirmation is a solemn public ritual and an integral part of any judicial proceeding. The complete attention of all in the courtroom to such oath taking is mandatory.

The Courtroom Deputy will present exhibits and depositions to the witnesses. Thus, you may simply say, "Please look at Exhibit No. 1," or "Please refer to your deposition taken on . . . ." and the Courtroom Deputy provide the exhibit or deposition to the witness.

In jury trials, bench conferences are strongly discouraged and will be minimized. Matters that may otherwise justify a bench conference should be raised either before or after the trial day or during a break.

Jury trials normally begin on Mondays at 1:30 p.m. Counsel should be present **one-half hour before** the scheduled trial time, to go over the attached trial checklist with the Courtroom Deputy. Jury selection will begin as close to 1:30 p.m. as possible. Bench trials begin at 9:00 a.m. and counsel should be present to check in with the Courtroom Deputy at 8:30 a.m.

Subsequent trial days will normally begin at 9:00 a.m. and continue until 5:00 - 5:30 p.m. The lunch recess will usually begin between noon and 12:30 p.m. and

will usually be of 75-minute duration. We will usually take a mid-morning and mid-afternoon break for approximately 15 minutes.

At the time counsel arrive for the first day of trial, they must provide the Courtroom Deputy three paper copies and one copy on disk of both the exhibit list and the witness list, as well as the marked copies and original depositions to be used at trial. If any deposition testimony is to be read into evidence during a jury trial, counsel should provide their own reader.

Please advise the Courtroom Deputy of any late or anticipated filings to ensure that all necessary documents are present during trial. I will be available for any preliminary matters.

### **Criminal Matters Only**

**NOTE: The Court does not accept plea agreements pursuant to F.R.Crim.P. 11(c)(1)(c) since the *Booker* and *FanFan* decisions.**

Changes of Plea are set approximately four (4) weeks from the date of the Notice of Disposition, unless specifically requested otherwise in the Notice.

Changes of Plea – ALWAYS bring the signed original and one copy of the “Statement by Defendant In Advance of Change of Plea” and the “Plea Agreement and Statement of Facts” to the courtroom at the time of the hearing. [This is in addition to the courtesy copy required to be delivered to chambers 48 hours before the Change of Plea hearing.] Please read my “Order Setting Change of Plea” carefully.

The AUSA assigned to a criminal matter must be present at a change of plea. If the AUSA cannot attend in person, he/she must be present by phone and a fully briefed substitute AUSA must be physically present.

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My Courtroom Deputy is Valeri Barnes. Please direct any questions concerning exhibits or courtroom equipment to her at 303-335-2087. Counsel should schedule times before trial with Ms. Barnes to familiarize themselves with the courtroom’s technology.

My official Court Reporter is Darlene Martinez. Transcripts may be ordered directly from her at 303-335-2312. Copies of forms to be filed that relate to transcripts should be mailed to Darlene Martinez, Court Reporter, U.S. District Courthouse, 901 19th Street, Denver, Colorado 80294. If counsel requires special services such as daily copy or real time, they should make such request **at least 30 days in advance of the trial date**.

We are sensitive to the anxieties of trial practice, and we hope to minimize apprehension about local practices. If you have any questions, call my secretary, Lee Ross, at 303-335-2174.